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Technology Center 2100

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DAYTON OH 45479

In re Application of: MILBY
Application No. 10/056,880
Filed: October 26, 2001
For: JOINS OF RELATIONS IN AN OBJECT
RELATIONAL DATABASE SYSTEM

DECISION ON PETITION
UNDER 37 CFR § 1.181 TO
WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition under 37 CFR § 1.181 to withdraw the holding of abandonment of the above-identified application filed via facsimile transmission on 18 April 2005.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper reply to the Office letter mailed 09 April 2004. A Notice of Abandonment was mailed 11 March 2005.

In support of the petition, petitioner has provided (1) a copy of an amendment filed in response to the Office action of mail date 09 April 2004 and (2) a copy of a postcard with a date stamp indicating receipt at the USPTO on 06 July 2004 of the above-mentioned amendment.

MPEP § 503 states:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on 06 July 2004. Thus, petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file. Additionally, Office records reflect that \$280.00 was charged to DA 50-1673 for additional claim fees on July 9, 2004.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

Application SN 10/056,880
Decision on Petition

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the examiner for appropriate action.



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